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1 Q That was your custom and practice; right?
2 MR. MICHENZIE: Objection.
3 A Yes.
4 Q You understood that you'd get this notice, you
5 needed to send it to Ocwen in order to get your
6 renewal premium paid to keep you coverage in
7 effect?
8 MR. MICHENZIE: Objection.
9 MR. HOYT: Objection.
10 A Yes.
11 Q You didn't expect Mr. Salent to make that
12 payment; right?
13 A No. What I expected of Mr. Salent --
14 Q I'm not going to get into anything else. You
15 didn't expect him to make the payment?
16 A No.
17 Q You didn't expect MPIUA to pay itself?
18 A No.
19 Q You expected the bank to make the payment?
20 A Yes.
21 Q You knew that if the payment wasn't made, there
22 would be no coverage in effect on and after
23 January 8, 2004?
24 A Yes.

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1 Q Now, at any point in time after you received
2 Exhibit 3 in early December of 2003 and the date
3 of the fire, did you have any communications
4 with MPIUA?
5 A No, sir.
6 Q When was the first occasion you or anyone on
7 your behalf had communication with MPIUA after
8 the fire?
9 A Mr. Salent told me to send a check for \$500 with
10 anybody. I couldn't go. I sent it with my son.
11 Q When was that?
12 A Well, it was the Monday afternoon of the fire.
13 Q So it was the day of the fire?
14 A Yes, took place at midnight, and he went in the
15 day.
16 Q So your son attempted to go pursuant to
17 Mr. Salent's instructions, at least, that's what
18 you're claiming?
19 A Yes.
20 Q He attempted to go to MPIUA and pay a premium
21 after the fire had occurred?
22 A Yes.
23 Q And MPIUA wouldn't accept that; is that right?
24 A Yes, sir.

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1 MR. WHOLLEY: That's all I have.
2 Thank you.
3 MR. HOYT: Nothing from me.
4 MR. MICHENZIE: Just a couple of
5 follow up questions. If I could just mark this
6 with everyone's indulgence.
7
8 REDIRECT EXAMINATION
9 BY MR. MICHENZIE:
10 Q Mrs. Charles, these are documents that were
11 produced by Ocwen, they are Bate stamped
12 numbered 290, 91, 92, 93, 94, 95, and 301 and
13 302. These are a series of letters that are
14 addressed to you, Mrs. Charles.
15 MR. MICHENZIE: If we could mark this
16 as Exhibit 26 as a composite exhibit.
17 (The document was marked as Exhibit
18 No. 26.)
19 Q Tell me if you recognize these documents and if
20 you received these documents.
21 A (Witness reviews document.) Yes, I remember
22 receiving this.
23 Q So referring to the letter dated October 28,
24 2004, you remember receiving that?

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1 A Yes.
2 Q If you could go to the next one. The next
3 document is a letter dated June 15, 2004. Do
4 you remember receiving that?
5 A Yes.
6 MR. HOYT: They appear similar, but
7 they are not the same document.
8 Q Did you receive a copy of that document?
9 A Yes.
10 Q If we could go to the document dated May 19,
11 2004, did you receive a copy of that?
12 A This is in Spanish, I do not read Spanish. "In
13 the event you have filed bankruptcy." I can't
14 remember exactly, but I may or may not. I'm not
15 that sure.
16 Q You're not sure about that one?
17 A I'm not sure about that one.
18 Q There's a letter dated March 19, 2004, did you
19 receive that?
20 A I can't tell you that I have received this. Let
21 me read a little more. (Witness reviews
22 document.) Yes, I received this letter also.
23 Q If you don't mind me asking one last question,
24 which is, what was the highest level of formal

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1 A Yes. That's the guy who called. Okay. And I
2 said, "Okay, I will give you Mr. Greene's
3 number," and he never got back to me or anything
4 like that. Because it's a Chinese name, I
5 remember him by Young.
6 Q Are you saying that you did have a telephone
7 conversation with Ian Young shortly after the
8 fire?
9 A We didn't have a big conversation. He just said
10 he represented some insurance company. I said,
11 "I do not have insurance on the property." I
12 told him that. I say, "I do not have insurance
13 on the property. The property has no insurance.
14 This is my lawyer's number. You can speak to
15 him."
16 Q So your testimony is that you gave Mr. Young
17 Mr. Hoyt's telephone number?
18 A Mr. Greene. His boss.
19 MR. HOYT: My firm.
20 Q Did you have any further telephone discussion
21 with Mr. Young after that?
22 A No.
23 Q When you told Mr. Young you don't have any
24 insurance, did he tell you that you do have

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1 insurance, and it's with this forced placed
2 insurance company?
3 A To the best of my knowledge, no.
4 MR. CHAPMAN: I think that's all I
5 have. Thank you.
6 MR. WHOLLEY: I will be brief.
7
8 CROSS EXAMINATION
9 BY MR. WHOLLEY:
10 Q Ms. Charles, my name is Rich Wholley, I'm
11 representing MPIUA here today. I'm just going
12 to come over there, too.
13 MR. WHOLLEY: Can I mark this as the
14 next exhibit, please
15 (The document was marked as Exhibit
16 No. 25.)
17 Q I want to place a document in front of you,
18 Ms. Charles. Would you take a look at that and
19 tell me when you have had a chance to review it.
20 A (Witness reviews document.)
21 Q Did you have a chance to review that?
22 A Yes, sir.
23 Q A few moments ago when Mr. Chapman, down the end
24 of the table there, was questioning you, I think

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1 you had indicated, correct me if I'm wrong, that
2 you got a letter back from MPIUA with that check
3 for \$1,906 saying that MPIUA couldn't write any
4 coverage because the property was damaged. Is
5 that right?
6 A Yes, sir.
7 Q Is that the letter you were talking about?
8 A Yes.
9 Q So you did receive that?
10 A Yes, I did receive that.
11 Q Did that have the check enclosed?
12 A No.
13 Q But at that point in time, you knew from MPIUA's
14 perspective that there was no coverage in
15 effect, and they wouldn't write coverage until
16 the property would be repaired; right?
17 A Be repaired, yes.
18 Q Exhibit 22, I know you stated to Mr. Chapman you
19 don't recall whether you received this or not;
20 is that right? You just don't remember?
21 A I know I received like this stating that Ocwen
22 tried to pay the insurance.
23 Q Am I correct in stating that that \$1,906 check,
24 based on your understanding, was paid by Ocwen

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1 or attempted to be paid by Ocwen to MPIUA?
2 A Yes.
3 Q And you understand that they attempted to make
4 that payment after the fire loss in February 2,
5 2004?
6 A Yes, sir.
7 Q Then you did get Exhibit 25, which advised you
8 that MPIUA was not accepting that check?
9 A Yes, sir.
10 Q For the reasons we have discussed?
11 A Yes.
12 Q Now, going back to Exhibit 3. As I understand
13 your testimony, when you received this in early
14 December of 2003, you understood that unless
15 MPIUA received a premium payment, which is
16 indicated on here, a minimum of \$476.56, unless
17 they received that by January 8 of 2004, your
18 coverage with MPIUA would lapse. You understood
19 that; right?
20 A Yes, I know that.
21 Q That's why, just like you had done the year
22 prior in December of '02, again in December of
23 '03, you sent this thing to Ocwen?
24 A To Ocwen, yes, I did.

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1 A Weeks Insurance Agency Company.
2 Q Was that your insurance agent before you started
3 getting your insurance through Mr. Salent?
4 A Yes.
5 Q Was there any insurance agent between Mr. Weeks
6 and Mr. Salent?
7 A No.
8 MR. CHAPMAN: I'm going to mark this
9 as a two-page document from the plaintiff's
10 document production.
11 (The document was marked as Exhibit
12 No. 22.)
13 Q For the record, the first page of Exhibit 22 is
14 a letter dated February 10, '04 from Ocwen to
15 Joan Charles. And the second page of the
16 exhibit is a check, Ocwen check, dated 2/6/04 in
17 the amount of \$1,906. Could you take a look at
18 that, Mrs. Charles. First of all, with respect
19 to the first page of Exhibit 22, do you recall
20 getting that letter?
21 MR. HOYT: Is there any way we can
22 just mark it as 23?
23 MR. CHAPMAN: Well, I was just going
24 to ask her if they went together or not.

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1 MR. HOYT: Okay.
2 A (Witness reviews document.) I can't see anything
3 on this.
4 Q Let me start with the letter. The letter that's
5 marked Number 22. Do you remember getting that
6 letter?
7 A (Witness reviews document.) I can't remember,
8 you know. I can't remember receiving it.
9 Q Now, you see this check that we have, a copy of
10 that check?
11 A I never saw no check.
12 MR. CHAPMAN: Why don't we just mark
13 the check as Number 23.
14 (The document was marked as Exhibit
15 No. 23.)
16 Q Let me ask you this, Mrs. Charles. Aside from
17 Exhibits 22 and 23, do you remember Ocwen trying
18 to pay your insurance with MPIUA shortly after
19 the fire?
20 A Yes, I remember that.
21 Q What do you remember about that?
22 A I got a letter from the insurance stating that
23 Ocwen sent a check for this amount of money to
24 pay the insurance, but they couldn't accept it

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1 because the house was burnt.
2 (The document was marked as Exhibit
3 No. 24.)
4 Q Mrs. Charles, I'm going to hand you what we have
5 now marked as Exhibit 24. It's a letter from
6 Cunningham Lindsey to you, dated February 11,
7 '04. If you take a look at that, and then my
8 question is going to be, do you remember getting
9 that letter.
10 A (Witness reviews document.) No.
11 Q You don't remember getting that letter?
12 A No.
13 Q By the date stated on the letter, February 11,
14 '04, would it be your best testimony that you
15 were receiving mail at the post office and to
16 the Ditson Street address pursuant to the
17 forwarding order?
18 A Yes.
19 Q Do you have any particular reason to say you did
20 not get this letter?
21 MR. HOYT: Objection.
22 A Because I was not receiving mails at the present
23 address that I am living at at this time.
24 Q But the address stated on this exhibit --

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1 A 14 Ditson Street. Because although the house
2 was burnt, the post people used to put mail
3 there. Sometimes the guy opposite, if he see
4 him put any mail, he would say, "No, take it
5 back." But the other times you go there and
6 find mails, and it's wet because of rainfall and
7 it was snow time. Everything was wet. He
8 pushed it through the door.
9 Q Did you ever have any telephone communications,
10 any other kind of direct communication with
11 anyone from a company called Cunningham Lindsey?
12 A I can't say from Cunningham and Lindsey. I
13 cannot say because people call, and they just
14 say, "This is so and so, and could you please
15 call me back at this number." So you don't know
16 who it is. Sometimes -- many times, I used to
17 say, "I don't know who it is."
18 Q The name of the person on this exhibit, do you
19 recognize that name? Did you ever talk to that
20 person?
21 A Yes, Young.
22 Q What's the person's name?
23 A Mr. Young.
24 Q What's the full name? Ian C. Young?

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1 little stickers?

2 A Handwrite it. I always handwrite it.

3 Q So if you don't have a specific memory of

4 handwriting a return address on the envelope

5 that you sent to Ocwen in December of '03, would

6 it be your testimony that it was your practice

7 to handwrite it?

8 A It is and up to now I still do it on everything

9 that I send out, every bill.

10 Q Did the letter that you mailed to Ocwen with the

11 premium invoice come back to you via the return

12 mail?

13 A No, never returned.

14 Q Now, counsel this morning showed you

15 Mr. Salent's answers to interrogatories, I think

16 it was in Exhibit 9. Counsel showed you

17 Mr. Salent's answer to Number 20. Do you

18 remember that? I'm sorry, Number 17.

19 A (Witness reviews document.) Um-hmm.

20 Q Now, if you I understand your testimony

21 correctly, Mrs. Charles, you disagreed with what

22 Mr. Salent is saying happened in this answer to

23 Number 17. Is that fair to say?

24 A Yes, because I did not have anything with Ocwen

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1 Bank before that incident of paying the premium.

2 I never had any.

3 Q So basically, you disagree with what Mr. Salent

4 is saying?

5 A Yes, this here, I disagree.

6 Q And I believe your testimony this morning,

7 correct me if I'm wrong, is that when you got

8 Exhibit 3, you sent that into Ocwen without any

9 involvement from Mr. Salent; correct?

10 A Yes.

11 Q From the time you sent in Exhibit 3 in early

12 December '03 up until the time of the fire, you

13 had no contact with Mr. Salent; is that correct?

14 A Yes, that's correct.

15 Q So from the time you sent in Exhibit 3 to Ocwen

16 up until the time of the fire, you were not

17 looking to Mr. Salent to do anything on your

18 behalf; is that correct?

19 A All he had to do if he knew the property had no

20 insurance, he was to write me or call my phone

21 and leave a message, which he did if I had no

22 insurance or if he needed something else.

23 Q Let me ask you this. During that period of

24 time, from early December of '03 up until the

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1 time of the fire, had you asked Mr. Salent to do

2 anything on your behalf?

3 A In what manner?

4 Q What I'm asking is, did you specifically ask

5 Mr. Salent, was there a time where you went to

6 Mr. Salent within that window of time, from

7 early December '03 until the time of the fire in

8 February '04, was there any time where you asked

9 Mr. Salent to do anything for you within that

10 period of time?

11 A No, sir.

12 Q Did you ever ask Mr. Salent what information he

13 received about your insurance within that period

14 of time?

15 A When the fire took place, I asked him, and he

16 said he did not even receive anything from the

17 insurance company as yet to say that the

18 insurance was canceled. After the fire, a

19 few -- about two weeks after, then I heard they

20 sent out a notice that it had no insurance on

21 the property due to nonpayment of the insurance.

22 Q So with reference to the date on Exhibit 3,

23 which is early December of '03, when was the

24 last time prior to when you received that

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1 Exhibit 3 notice that you do remember talking to

2 Mr. Salent for any reason?

3 A Rephrase that question again?

4 Q Sure. Do you have Exhibit 3 in front of you?

5 A Yes.

6 Q That's the notice that you got in early December

7 '03.

8 A Yes.

9 Q When is the last time before early December '03

10 that you remember having any particular

11 discussion with Mr. Salent?

12 A Since when Option One made a mess of the

13 insurance, didn't pay the insurance. That was

14 when.

15 Q That was a period of years before that; right?

16 A That was when I went over to New Century

17 Mortgage.

18 Q Which was in early '02; correct?

19 A Yes, I think early '02.

20 Q So if I'm understanding you right, the last time

21 you remember having a direct contact with

22 Mr. Salent prior to the fire was when you were

23 starting with New Century in early 2002; is that

24 fair?

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1 MR. WHOLLEY: The Fair Plan is MPIUA,
 2 by the way.
 3 A All in all, I received these, and I just mail it
 4 out.
 5 MR. HOYT: Sorry. Just to object. I
 6 believe that there may have been kind of a
 7 misrepresentation of Mrs. Charles' response
 8 regarding that particular document. I just want
 9 to clarify. I don't believe she answered that
 10 she actually received that document. I would
 11 like to have this -- and I will tell you where
 12 I'm going. I got that from MPIUA, and produced
 13 it in the lawsuit. I believe, if we can ask the
 14 question in a -- because she doesn't remember
 15 specifically getting it -- in a theoretical
 16 sense, as opposed to I just want to make sure
 17 she is not identifying, and the questions aren't
 18 geared towards that particular exact document,
 19 which I don't believe she said, "I received that
 20 document."
 21 MR. CHAPMAN: I will let you do that,
 22 because my memory is that she testified that she
 23 did get this and sent it into Ocwen.
 24 MR. HOYT: Exhibit Number 3, but not

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1 Exhibit Number 21.
 2 MR. CHAPMAN: I'm asking that because
 3 she said it was generally handled the same way
 4 the year before, and it's the same type of form.
 5 MR. HOYT: Right, and the only
 6 distinction I'm trying to make is, I believe,
 7 she said she didn't remember getting Exhibit 21,
 8 but then the theoretical questions of would it
 9 have been handled the same way, I have no
 10 objection to.
 11 Q Let me ask you this. Do you have a specific
 12 memory of getting Exhibit 21?
 13 A That was in --
 14 Q On or about November 29, '02?
 15 A '02, yes.
 16 Q And I think you previously testified that you do
 17 specifically recall that the year before the
 18 bill was sent into Ocwen, and there were no
 19 problems; right?
 20 A No problems, right.
 21 Q Is it your best testimony that Exhibit 21 was
 22 the bill for your insurance for the prior year
 23 that you sent to Ocwen?
 24 A Yes.

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1 Q Earlier this morning you testified about some
 2 phone calls you made right after the fire. You
 3 had a telephone discussion with Harold Salent,
 4 you made a call to Paul Petrocelli, and on the
 5 Tuesday after the fire, you also called Ocwen
 6 Bank. Do you remember testifying to that?
 7 A Yes.
 8 Q That was a conversation in which the Ocwen
 9 representative told you that Ocwen had not
 10 received any notification to pay the insurance
 11 premium; right?
 12 A Yes.
 13 Q In response, you said something to the effect
 14 of, "Well, Ocwen paid the insurance last year,
 15 why didn't you pay the insurance this year?"
 16 That's a question you asked to the Ocwen
 17 representative on the Tuesday after the fire?
 18 A Yes.
 19 Q When you asked the Ocwen representative that
 20 question, what was that person's answer?
 21 MR. MICHENZIE: Objection.
 22 MR. HOYT: Go ahead and answer.
 23 A The person said they are unable to determine
 24 that. And then when I called, another one

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1 said -- it's so many conversations I had with
 2 these people in between those days. One said
 3 her name was Betty, the supervisor was Betty.
 4 She said they didn't receive any notice or
 5 something like that. I said, "But I sent out a
 6 notice, I sent out the tax paper. If you're
 7 paying the taxes, why didn't you pay the
 8 insurance?" And the escrow was there.
 9 Q Did anyone ever answer that question?
 10 A No, she never answered the question.
 11 Q Now, the notice that you sent to Ocwen in -- it
 12 was early December of '03; right?
 13 A It was somewhere around there, yes.
 14 Q You filled out the envelope, you handwrote the
 15 address of Ocwen that was contained on your last
 16 billing statement?
 17 A On the billing statement, yes.
 18 Q You put a first class stamp on that; right?
 19 A On that, yes.
 20 Q Did you put a return address on the envelope?
 21 A I can't remember. I usually do, but I can't
 22 remember if I did that day.
 23 Q When you usually use a return address at that
 24 time, would you handwrite it or did you have

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1 Q What is your understanding of what a reference
2 is?
3 A When somebody refers you as a person in a job or
4 anything, like a good reference or whatever it
5 is.
6 Q Do you know what that term means with respect to
7 an insurance policy?
8 A No, sir.
9 Q Are you aware of your insurance claim against
10 Assurant or against MPIUA being sent to a
11 referral or for a referral? Have you ever heard
12 that before?
13 MR. WHOLLEY: Objection.
14 A No, I never heard it. Never knew about anything
15 like that.
16 (The document was marked as Exhibit
17 No. 18.)
18 Q Ma'am, I'm going to show you what's been marked
19 as Exhibit 18. It's called a Producers'
20 Operation Manual, and ask you if you have ever
21 seen that document before?
22 A (Witness reviews document.) No, I have never
23 seen anything like this.
24 (The document was marked as Exhibit

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1 No. 19.)
2 Q Mrs. Charles, what's before you now has been
3 marked as Exhibit 19. This is a Statement of
4 Loss from MPIUA. It is a 33-page document, and
5 ask you if you have ever seen that document
6 before today?
7 A (Witness reviews document.)
8 MR. HOYT: Any idea if this was
9 produced by MPIUA?
10 MR. MICHENZIE: I think it was
11 produced by MPIUA.
12 A I've never seen that.
13 Q You've never seen that?
14 A No.
15 Q Did you ever get a letter that is what we call a
16 Reservation of Rights letter? Do you understand
17 what that is?
18 A No, sir.
19 Q Other than the letter that we've marked as
20 Exhibit 15, have you received any other letters
21 from MPIUA?
22 A No.
23 (The document was marked as Exhibit
24 No. 20.)

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1 Q Ma'am, what I have marked now as Exhibit 20 is a
2 letter dated July 29, 2005 from Runan Belcher of
3 Assurant to Frank Hall at MPIUA, attached to
4 which is a Statement of Loss or actually an
5 Adjuster Summary. It is a 13-page document.
6 Have you see this document before today?
7 A (Witness reviews document.) No, sir.
8 Q You were aware of a check in the amount of
9 \$86,489.91 that was issued from Assurant with
10 respect to the fire loss?
11 A That is what my lawyer told me.
12 Q When were you first made aware of that check?
13 A It was in 2005. I can't remember exactly.
14 Q This year? Last year?
15 A Last year.
16 MR. MICHENZIE: I'm just going to go
17 off the record for two minutes.
18 (Off the record.)
19 BY MR. MICHENZIE:
20 Q Mrs. Charles, were you contacted directly by
21 anyone from Ocwen Federal Bank after February 2,
22 2004?
23 A No.
24 Q No phone calls?

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1 A A lot of phone calls came from someone called
2 Jordon. She just used to say, "This is Jordon
3 from Ocwen Federal Bank calling for payment." A
4 lot of that.
5 Q Who did she call?
6 A Me.
7 Q She called you?
8 A Yes, she left the messages.
9 Q You never spoke to her?
10 A I called once, and I didn't get the person. And
11 she called back -- See, I'm a lady that goes to
12 work on a morning, I leave home many times like
13 7, 6:30, 7:30, because I take care of the
14 elderly on mornings. From there, I go to
15 Brigham & Women's Hospital. I get home at 12 in
16 the night. So I take the message. When I am
17 off -- like today I'm off of Brigham. My
18 patient I had to do today I did on Monday, so I
19 compensated here. So today I'm free. When I'm
20 free, I will return my calls.
21 Q Did you ever tell this person or anybody that
22 called from Ocwen not to call you?
23 A Yes, I left a message, I said, "Please do not
24 call back. Anything, to contact my lawyer,

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1 MPIUA, you cut off the invoice, you put it in an
 2 envelope, and you mailed it to an address that
 3 was provided on the back --
 4 A On the back for Ocwen Bank, yes.
 5 Q Which bill did you look at for the address, do
 6 you recall?
 7 A The loan bill.
 8 Q For what month?
 9 A For December month.
 10 Q This invoice for the insurance was mailed out
 11 separately from your payment for the mortgage?
 12 A Yes.
 13 Q Your testimony today is that you do not recall
 14 specifically what address you mailed this to; is
 15 that right?
 16 A I can't.
 17 (The document was marked as Exhibit
 18 No. 6.)
 19 Q Mrs. Charles, I am marking now as Exhibit 6 a
 20 document entitled Mortgage. This is a 15-page
 21 document, bearing Bate's Number C0054 through
 22 C0068. Ma'am, I would ask you to review that
 23 document and tell me if you have seen that
 24 before?

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1 A (Witness reviews document.) Yes.
 2 Q Are those your initials on each of the bottom of
 3 those pages?
 4 A Yes.
 5 Q Your signature appears on the 14th page of the
 6 mortgage. Do you see that?
 7 A Yes.
 8 Q Is that your signature?
 9 A Yes, it is.
 10 Q You executed this at the closing on this loan
 11 for New Century Mortgage Corporation on
 12 January 7, 2002; is that right?
 13 A Yes.
 14 Q When you closed on this loan, you were required
 15 to obtain property insurance; is that right?
 16 A Yes, sir.
 17 Q Did you choose a broker for your insurance?
 18 A I don't understand what you mean.
 19 Q Was One Call your insurance agent?
 20 A Yes.
 21 Q Did you choose that agent?
 22 A My loan officer, he worked with -- it's in the
 23 same building with Mr. Salent. So that's how I
 24 got Mr. Salent, One Call Agency as my --

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1 Q Your insurance broker?
 2 A Yes.
 3 Q Do you know Harold Salent?
 4 A Fairly well.
 5 Q Who is he?
 6 A Well, he's the owner of the insurance broker
 7 company.
 8 Q You say you know him fairly well. How so?
 9 A Well, because when I transferred this loan from
 10 Option One, it was the same problem, they did
 11 not pay my premium. I had to go there. So I
 12 usually sometimes go to Mr. Salent's office and
 13 give him the check.
 14 Q How did you know Option One hadn't paid your
 15 premium?
 16 A I was refinancing and New Century Mortgage
 17 called me and told me I have no insurance on the
 18 property. The same night I called Mr. Salent,
 19 and he told me he did not even know.
 20 Q Had you received a notice that you had --
 21 A No.
 22 Q Let me ask you the question first, okay. Had
 23 you received a notice of termination of your
 24 insurance?

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1 MR. HOYT: Objection.
 2 A No, sir.
 3 MR. HOYT: Which one?
 4 MR. MICHENZIE: Option One.
 5 Q Do you understand my question?
 6 A Yes.
 7 Q We're talking about Option One; is that right?
 8 A Yes.
 9 Q So you never received any notice of renewal?
 10 A No.
 11 Q Notice of termination?
 12 A No.
 13 Q And you did what, you went to One Call?
 14 A Yes.
 15 Q What did you do when you went to One Call?
 16 A At 8 p.m., I gave Mr. Salent a check.
 17 Q Do you know what he did with the check?
 18 A He paid the insurance.
 19 Q Was your insurance reinstated?
 20 A Yes, 24 hours after.
 21 Q Was that loan an escrowed loan. Do you know
 22 what I mean by that?
 23 A Yes, sir.
 24 Q What do you understand that to mean?

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| <p>1 Volume: 1 2 Pages: 1-116 3 Exhibits: 1-26</p> <p>4 UNITED STATES DISTRICT COURT DISTRICT OF MASSACHUSETTS</p> <p>5 C.A. NO. 04-11625-RWZ</p> <p>6 *****x 6 JOAN CHARLES Plaintiff</p> <p>7 vs.</p> <p>8 OCWEN FEDERAL BANK, FSB; OCWEN FINANCIAL CORPORATION; MASSACHUSETTS PROPERTY INSURANCE 9 UNDERWRITERS ASSOCIATION; and ONE CALL 10 INSURANCE AGENCY, INCORPORATED Defendants</p> <p>11 *****x</p> <p>12 DEPOSITION OF JOAN CHARLES, a 13 witness called on behalf of the Defendant, Ocwen 14 Federal Bank, FSB, pursuant to the applicable provisions 15 of the Federal Rules of Civil Procedure, before Camille 16 Macomber, Registered Professional Reporter and Notary 17 Public within and for the Commonwealth of 18 Massachusetts, at the Law Offices of Michienzie & 19 Sawin, LLC, 745 Boylston Street, Boston, Massachusetts, 20 on Wednesday, September 20, 2006, commencing at 21 10:20 a.m.</p> <p>22 SHEA COURT REPORTING SERVICES 23 ONE UNION STREET, SECOND FLOOR BOSTON, MASSACHUSETTS 02108 24 (617) 227-3097</p> | <p>Page 1</p> <p>1 I N D E X</p> <p>2 WITNESS DIRECT CROSS REDIRECT RECROSS</p> <p>3 Joan Charles By Mr. Michienzie...5.....111 4 By Mr. Chapman.....82 By Mr. Wholley.....106</p> <p>5</p> <p>6</p> <p>7 E X H I B I T S</p> <p>8 NO. DESCRIPTION PAGE</p> <p>9 1 Notice of Taking Deposition.....premarked</p> <p>10 2 First Request for Production of Documents to Plaintiff Joan Charles.....12</p> <p>11 3 Renewal Offer/Premium Invoice.....17</p> <p>12 4 Expiration Notification Homeowners Policy Program.....17</p> <p>13 5 Plaintiff's Answers to Interrogatories Propounded by Defendant Ocwen Loan Servicing...30</p> <p>14 6 Mortgage.....37</p> <p>15 7 Notice of Assignment, Sale or Transfer of 17 Servicing Rights.....42</p> <p>18 8 Hazard Insurance Authorization and Requirements.....43</p> <p>19 9 Defendant One Call Insurance Agency, Inc.'s 20 Answers to Defendant Ocwen Federal Bank, FSB's First Interrogatories.....53</p> <p>21 10 Letter to Joan Charles from Harold Salant, 22 dated 8/7/00.....54</p> <p>23 -Exhibits Continued-</p> <p>24</p> |
| <p>Page 2</p> <p>1 APPEARANCES:</p> <p>2 PORTNOY & GREENE, P.C. By James Hoyt, Esquire 3 687 Highland Avenue Needham, Massachusetts 02494 4 On behalf of the Plaintiff</p> <p>5 MICHIEENZIE & SAWIN, LLC By Paul Michienzie, Esquire 6 and Christopher J. DeCosta, Esquire 7 745 Boylston Street Boston, Massachusetts 02116 8 On behalf of Ocwen Federal Bank FSB, and Ocwen Financial Corporation</p> <p>9 LAW OFFICES OF RICHARD F. WHOLLEY By Richard F. Wholley, Esquire 10 17 Kimball Hill Drive Haverhill, Massachusetts 01830 11 On behalf of Massachusetts Property Insurance Underwriters Association</p> <p>12 MELICK, PORTER & SHEA, LLP By William D. Chapman, Esquire 13 28 State Street Boston, Massachusetts 02109 14 On behalf of One Call Insurance Agency</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> | <p>Page 4</p> <p>1 E X H I B I T S</p> <p>2 NO. DESCRIPTION PAGE</p> <p>3 11 Handwritten document produced by One Call, dated 7/16/99.....55</p> <p>4 12 Note from Assurant Group.....59</p> <p>5 13 Letter to Joan Charles from Runan Belcher. 6 dated 2/03/04.....63</p> <p>7 14 Equifax Credit Report, dated April 5, 2005.....68</p> <p>8 15 Letter dated February 26, 2004 to Joan Charles from Frank Hall.....71</p> <p>9 16 Letter to Mrs. Charles from MPIUA.....74</p> <p>10 17 Letter from Joan Charles to MPIUA.....76</p> <p>11 18 Producers' Operation Manual.....77</p> <p>12 19 Statement of Loss from MPIUA.....78</p> <p>13 20 Letter dated July 29, 2005 from Runan Belcher 14 of Assurant to Frank Hall at MPIUA, with attachments.....78</p> <p>15 21 Renewal Offer/Premium Invoice for 2002.....87</p> <p>16 22 Letter dated February 10, 2004 from Ocwen 17 to Joan Charles.....101</p> <p>18 23 Ocwen Check, dated 2/6/04 in the amount of \$1,906.....102</p> <p>19 24 Letter from Cunningham Lindsey to 20 Mrs. Charles, dated February 11, 2004.....103</p> <p>21 25 Letter from MPIUA to Mrs. Charles.....106</p> <p>22 26 Series of letters Bate Stamped Number 290, 23 291, 292, 293, 294, 295, 301 and 302.....111</p> <p>24 (Original Exhibits Retained by Attorney Michienzie)</p> |